

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

AUDRINA MINTO,

Plaintiff,

v.

KATHY L. RUMER, et al.,

Defendants.

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Civ. No. 18-2800

ORDER

AND NOW, this 15th day of July, 2019, upon consideration of Plaintiff's Letter requesting a continuance of the trial date (Ex. A), it is hereby **ORDERED** that Plaintiff's request (Ex. A) is **GRANTED** and my February 25, 2019 Scheduling Order (Doc. No. 22) is **AMENDED** as follows:

1. A trial for the above-captioned case shall be held on **September 3, 2019, at 9:30 a.m.** in Courtroom 14A, United States District Court, 601 Market Street, Philadelphia, PA 19106;
2. A final pretrial conference is scheduled for **August 29, 2019 at 10:00 a.m.** in Room 14614, United States District Court, 601 Market Street, Philadelphia, PA 19106. Lead Trial Counsel must attend. It is the responsibility of any trial counsel who cannot attend to contact the Court as soon as any conflict becomes known so the Court may consider rescheduling the conference. Unless the Court has otherwise granted permission, whoever attends the final pretrial conference will try the case. In addition to each trial counsel, each Plaintiff and Defendant or, in the case of a corporate Party, a representative with full authority to settle the case shall attend. Telephone availability is not acceptable unless leave of Court has been granted. Failure to comply with this order may result in sanctions in accordance with the Federal Rules of Civil Procedure.

As outlined below, all motions *in limine*, evidentiary motions, stipulations of facts, all depositions that will be introduced as testimony, and any and all other legal disputes that the Parties are aware of shall be due before the final pretrial conference so that they may be resolved before trial begins;

3. Plaintiff shall propose stipulated facts and submit those proposed stipulated facts to Defendant **no later than July 31, 2019**. Defendant shall state agreement or disagreement with each of Plaintiff's proposed stipulated facts and may counter-propose stipulated facts **no later than August 5, 2019**. Plaintiff is obligated to respond **no later than August 8, 2019**;
4. In accordance with Fed. R. Civ. P. 26(a)(3), listed exhibits shall be numbered and pre-marked for use at trial; no exhibit shall be listed unless it is already in the possession of opposing counsel. Only specifically listed exhibits may be used in the Party's case-in-chief except by leave of Court;
5. Counsel for each Party shall serve upon counsel for the other Party **no later than August 8, 2019**:
 - a. a copy of each exhibit they expect to offer at trial in furtherance of their respective contentions. Each exhibit shall be marked as it will be marked for trial;
 - b. curriculum vitae for each expert witness expected to testify; and
 - c. a specific identification of each discovery item expected to be offered into evidence;
6. Counsel shall also provide the Court with one copy of all of these items in a tabbed, three-ring binder, complete with table of contents, **no later than August 8, 2019**;
7. As to documents listed in accordance with Fed. R. Evid. 803(6), as amended, notice in accordance with Fed. R. Evid. 902 (11) or (12) must be given **no later than August 8, 2019**;
8. All witnesses as to liability and damages should be listed. Only listed witnesses may testify at trial except by leave of Court. Any Party who intends to use deposition testimony at trial must submit deposition designations by **July 31, 2019**. Counter-designations shall be submitted by **August 5, 2019**. Objections to the designations shall be submitted **no later than August 8, 2019**;

9. Any other pretrial or trial matter requiring attention of the judge prior to trial, shall be specifically addressed in the final pretrial conference;
10. All Parties shall prepare and file with the Clerk of the Court their pretrial memoranda by **August 15, 2019**;
11. All motions *in limine* shall be filed **no later than August 15, 2019**. Responses thereto are due **no later than August 22, 2019**;
12. **No later than August 15, 2019**, after meeting and conferring, the Parties shall jointly submit proposed jury *voir dire* questions, jury interrogatories, verdict sheets, and proposed jury instructions a tabbed, three-ring binder, complete with table of contents. The Parties shall individually submit any proposed questions, interrogatories, sheets, or instructions upon which the Parties after conferring cannot agree. All questions, interrogatories, sheets, and instructions shall be submitted in hard copy and on a flash drive to the Court;
13. **No later than August 22, 2019**, the Parties shall jointly submit to the Court a tabbed, three-ring binder, complete with table of contents, containing each of the following:
 - a. Answer;
 - b. Complaint;
 - c. Plaintiff's Pretrial Memorandum;
 - d. Defendants' Pretrial Memorandum;
 - e. Stipulated Facts;
 - f. Jointly Proposed Jury *Voir Dire* Questions (and any not agreed upon);
 - g. Jointly Proposed Jury Interrogatories (and any not agreed upon);
 - h. Jointly Proposed Jury Instructions (and any not agreed upon); and
 - i. Jointly Proposed Verdict Sheet; and

14. The Parties shall also provide the Court with an electronic copy of the above documents in Word format.

AND IT IS SO ORDERED.

/s/ Paul S. Diamond

Paul S. Diamond, J.

July 15, 2019

SESKIN & SESKIN
COUNSELORS AT LAW

SCOTT H. SESKIN
(N.Y., N.J., WASH. D.C.)
DIA N. SESKIN
(N.Y.)

110 EAST 59TH STREET
NEW YORK, N.Y. 10022
(212) 751-0077
FAX: (212) 355-3936
ss@seskinlaw.com
ds@seskinlaw.com

July 12, 2019

By email: Chambers_of_Judge_Paul_S_Diamond@paed.uscourts.gov

Hon. Paul S. Diamond
United States District Court
Eastern District of Pennsylvania
U.S. Courthouse
601 Market Street
Philadelphia, PA 19106

Re: Audrina Minto v. Kathy L. Rumer, D.O.
Docket No.: 2:18-cv-03817

Dear Judge Diamond:

I am trial counsel to the plaintiff, Audrina Minto, in the above-referenced matter which is scheduled to proceed to trial on Monday, August 12, 2019.

I am writing to request a continuance of a trial due to a medical emergency involving myself.

Unfortunately, I injured my back, and after several epidural injections and physical therapy without any relief, I developed intractable leg pain and numbness. I was scheduled to undergo a spinal fusion at Mt. Sinai Hospital, New York, NY, after the trial, however, due to the progression of the pain and numbness, the surgery was just advanced to Tuesday, July 16, 2019, to prevent permanent nerve damage from occurring. At present, I am unable to stand for more than a few minutes without collapsing, or sit for any length of time.

Chilton Goebel, III, attorney for Dr. Rumer, has been aware of my condition, and has graciously consented to a continuance, should the Court grant my application.

Letter to Hon. Paul S. Diamond

July 12, 2019

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I am advised that the recovery period for my procedure is approximately 4-6 weeks. Consequently, if the Court is agreeable to my application, I would greatly appreciate a date which would give me sufficient time after I return to work, to reschedule witnesses and ready myself for trial.

Should the Court require any medical documentation confirming my procedure, I would be happy to provide same.

Respectfully submitted,

SCOTT H. SESKIN, ESQ.

SHS/dc

cc: Chilton Goebel, III By Email
Attorney for Defendant